

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CORROSION CONTROL
CONSULTANTS & LABS, INC.,

Plaintiff,

v.

Case No. 1:06-CV-216
Hon. Hugh W. Brenneman, Jr.

MAXUM INDEMNITY COMPANY,

Defendant.

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DECLARATORY JUDGMENT ORDER

In accordance with the Opinion filed this date,

Plaintiff's motion for summary judgment (docket no. 16) is **GRANTED** as to Count II and defendant's motion for summary judgment (docket no. 19) is **DENIED**.

Accordingly,

IT IS HEREBY ORDERED that defendant has a duty to defend plaintiff in a pending cause of action entitled *Post, Buckley, Schuh & Jernigan, Inc. v. Corrosion Control Consultants & Labs, Inc.*, No. 05-24413 CA 15, 11th Judicial Circuit (Miami-Dade County, Florida) (the "Florida lawsuit"), pursuant to the terms of its Policy No. PFP 6000737-01.

IT IS FURTHER ORDERED that defendant has a duty to indemnify plaintiff for claims asserted against plaintiff in the Florida lawsuit pursuant to the terms of its Policy No. PFP 6000737-01.

Date: February 9, 2007

/s/ Hugh W. Brenneman, Jr.
Hugh W. Brenneman, Jr.
U.S. Magistrate Judge